



2:43 pm, 4/6/18

U.S. Magistrate Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HOMELAND INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

v.

POWELL HOSPITAL DISTRICT, POWELL
VALLEY HEALTHCARE, INC.,
HEALTHTECH MANAGEMENT
SERVICES, INC., JEFFREY HANSEN,
M.D., and WILLIAM D. PATTEN,

Defendants,

AND

HEALTHTECH MANAGEMENT
SERVICES, INC. and WILLIAM D.
PATTEN,

Counter-claimants,

v.

UMIA INSURANCE, INC. and LEXINGTON
INSURANCE COMPANY,

Cross-claimants,

v.

UMIA INSURANCE, INC. and LEXINGTON
INSURANCE COMPANY,

Crossclaim-Defendants.

Case Number: 1:15-cv-00031-ABJ

**ORDER GRANTING MOVANT'S AMENDED MOTION FOR
SUBSTITUTION OF DEFENDANT POWELL VALLEY HEALTH CARE, INC.**

This comes before this Court upon *Movant's Amended Motion for Substitution of Defendant Powell Valley Health Care, Inc.* [Doc. 88]. The motion seeks the substitution

of Scott J. Goldstein, the Personal Injury Trustee of the Personal Injury Trust of Powell Valley Health Care, Inc. in place of Powell Valley Health Care, Inc. Homeland Insurance Company of New York filed a qualified objection to the motion, in which Lexington Insurance Company joined.

Following the filing of the above-captioned matter, Powell Valley Health Care, Inc. filed Chapter 11 in the United States Bankruptcy Court for the District of Wyoming, Case No. 16-20326. The Bankruptcy Court issued its *Order Confirming Modified Amended Chapter 11 Plan of Reorganization* on January 24, 2018, with an effective date of March 1, 2018. The Order installed Mr. Goldstein as the Personal Injury Trustee for Powell Valley Health Care, Inc. The Order further assigned and transferred all rights and claims of Powell Valley to Mr. Goldstein as the Personal Injury Trustee and authorized Mr. Goldstein to pursue any rights and claims arising under the insurance contracts, including extra-contractual claims, which are at issue in this action.

Homeland and Lexington insurance companies submitted a qualified objection to the substitution, only in so far as it might impair anticipated and pending discovery. The insurance companies noted that the Bankruptcy Court's Plan specifically provided and required the debtor, Powell Valley Health Care, Inc., to provide access and cooperation to the Personal Injury Trustee in this regard. Therefore, this Court does not perceive that this substitution will deprive parties of any ability to complete proper discovery. Any such matters which arise in the future can be adequately addressed by this Court.

THEREFORE THIS COURT HEREBY ORDERS that pursuant to Fed. R. Civ. P. 25(c), Mr. Goldstein's motion for substitution is GRANTED and "Scott J. Goldstein, Personal Injury Trustee for the Personal Injury Trust of Powell Valley Health Care, Inc." is substituted for "Powell Valley Health Care, Inc."

Dated: April 6, 2018



Mark L. Carman
United States Magistrate Judge